

***United States Court of Appeals
for the Second Circuit***



**APPELLANT'S
BRIEF &
APPENDIX**

77-2005

In The
UNITED STATES COURT OF APPEALS
FOR THE EASTERN DISTRICT OF NEW YORK

MAR 16 1977

CIVIL
NO. 76-C-1990

72-2005

UNITED STATES OF AMERICA,
Appellee

vs.

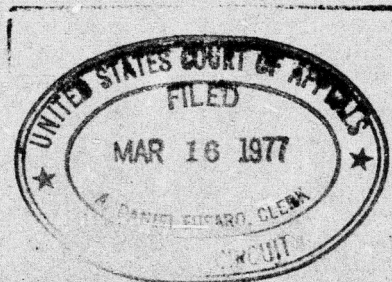
ROBERT ADAMS,
Appellant

B
P/S

Appeal From The United States District Court
For The Eastern District Of New York

and Appendix
BRIEF FOR APPELLANT

ROBERT ADAMS, pro se
Pembroke Station
Danbury, Connecticut 06810



PAGINATION AS IN ORIGINAL COPY

JURISDICTIONAL STATEMENT

Appellant was granted leave to proceed with the motion to vacate in forma pauperis by the District Court for the Eastern District of New York pursuant to 28 U.S.C. Section 1291.

BEST COPY AVAILABLE

QUESTION PRESENTED

DID THE DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK ERR IN DENYING THE MOTION TO VACATE DUE TO A FAILURE TO UNDERSTAND THE FACTS OR BY ERR IN INTERPRETATION OF THE CONDITIONS OF THE INTER STATES AGREEMENT ON DETAINERS ACTS.

This case has not previously been before this Court.

STATEMENT OF FACTS

On March 7, 1974 the Chemical Bank located on Sunnyside Blvd. and Archer Ave., in Queens, New York, was robbed by a black male of approximately \$_____ who escaped.

On July 15, 1974 petitioner, then in the custody of New York state prison, was interviewed by Special Agent J. Gary Di Laura and Special Agent Danny O. Coulson in relation to the March 7th. bank robbery. Petitioner gave a full and complete confession (see evidence paper #1 attached) and also identified photos taken of himself while the robbery was in progress. The agents departed informing the petitioner that he would be charged and subsequently brought before the Court.

On July 15, 1974 Assistant United States Attorney E.J. Boyd, Eastern District of New York, advised that he assigned me to handle the Robert Adams CASE (emphasis added) (See evidence paper #2 attached).

On July 23, 1974 a writ of Habeas Corpus ad testificandum was issued in the case of U.S. v. John Doe defendant for Robert Adams to testify before the Grand Jury (see evidence paper #3 attached).

On July 24, 1974 petitioner was removed from state custody by Federal Marshals and on July 25, 1974 petitioner was taken to the office of Assistant United States Attorney Kimbelman to again ~~give~~ ⁹⁴⁰⁰ a statement in relation to his participation in the March 7 th. bank robbery.

The petitioner was assigned counsel and again signed a confession and initialed the same photographs shown to him while in state custody (see evidence paper #4 attached). The petitioner was taken before the United States Magistrate Catoggio and a warrant was issued for one Robert Rand (see evidence paper #5 attached), however at this time no other proceedings were taken against petitioner although "ALL" information and evidence indicated that petitioner did in fact commit the offence in question, (see sworn statement by Special Agent Di Laura and signed by U.S. Magistrate on July 25, 1974, evidence paper #6).

On July 29, 1974 petitioner was returned to state custody and was released on parole in May 1975.

In May 1975 having received no further word relating to the case the petitioner contacted the assigned counsel to the Robert Adams CASE of July 25, 1974, (Marion Seltzer Legal Aid), and requested information relating to the case. Ms. Seltzer stated that she had heard nothing about the case since July of 1974 and that since so much time had elapsed since my confession that the Government could no longer prosecute.

On July 29, 1974 petitioner was returned to state custody with the writ of ad testificandum satisfied and he remained in state custody until his parole in May 1975.

On December 12, 1975 petitioner was arrested and charged with this bank robbery (see evidence paper #7 attached) and released on bond.

On May 23, 1975 petitioner while serving a term in the the Queens House of detention was taken out of the states custody again on a writ of habeas corpus ad testificandum and on May 24, 1975 was taken before the court to be PROSECUTED for the very same bank robbery (see evidence paper #8-9) to which petitioner entered a plea of guilty.

ARGUMENT

On July 25, 1974 a writ of habeas corpus ad testificandum was issued for the person of Robert Adams to testify before the Grand Jury in the case of U.S. v John Doe. In denying the petitioners writ the court claims that at the time of issuing the writ there were no Federal charges pending against the petitioner.

What the court has failed to accept as fact is that "prior" to the issuance of a writ of habeas corpus ad testificandum the petitioner made a FULL signed confession and identified photographs of himself while said robbery was in progress. This was done while petitioner was still in State custody and this was indeed the cause of the issuance of the writ. It should have also been noted by the court that on July 15, 1974 prior to the writ of habeas corpus ad testificandum assistant U.S. Attorney E.J. Boyd assigned a assistant to handle the ROBERT ADAMS CASE. (Again see the evidence paper #2)

In view of these facts it is obvious that the Interstate Agreement act has had wax teeth put into it by the Governments using a writ of ad testificandum in place of a detainer, also in view of the actions taken prior to the issuance of the writ in the case of U.S. v John Doe, Defendant, it is obvious from the stated occurrences that John Doe could have been none other than the petitioner.

Your petitioner strongly avers that the alias was given him by the Government as a means of alliviating certain pre-Judical processes.

The court states that "It is undisputed that at the time the writ of Habeas Corpus Ad testificandum was issued and satisfied, no federal charges, whether by complaint, information or indictment were pending against the petitioner in the Eastern District of New York." The petitioner claims that the Court is again attempting to put "wax teeth" into the Inter State Agreement Act. It states in unequivocal words that "if trial is not had on any indictment, information or complaint CONTEMPLATED hereby prior to the prisoners return to the original place of imprisonment pursuant to article V(e) herefore such shall not be of any further force or effect" (article IV (e) of the inter state agreement act).

The word which the Court appears to have by-passed here is ofcourse contemplated. Even if it were, as the Court claims, that there were no pending charges against the petitioner at the time of being returned to state custody, the Government must concede to at least the "contemplation" of prosecuting proceedings. The Words, Ad Prosecuendum, information, indictment and complaint with out a doubt indicates that prosecution

proceedures have already been instituted and as it is, "contemplated" would be a past issue, for where there is prosecution there can no longer be "contemplation".

It is a fact of law that even an arrest is a prosecuting procedure and once this procedure has commenced there ofcourse can no longer be "contemplation" but an actuality. A writ of habeas corpus ad testificandum is the means used to place a defendant, or possible defendant, into the (in this instance) Federal Jurisdiction who is serving time in another Jurisdiction for the purpose of investigation and possible arrest, however, if all possible information and evidence is gathered while the defendant, or possible defendant, is in the custody of the Federal Government, then according to article IV(e) of the Inter State Agreement Act, this information and evidence must be used for prosecuting purposes "prior" to the defendant, or possible defendant, being returned to the original place of imprisonment or said information or evidence will have no further force or effect.

In December 1975 a warrant was issued for the arrest of your petitioner by the U.S. Court Eastern District of New York. It must be noted for all purposes that the basis of the arrest and subsequent prosecution was the information and evidence obtained "prior" to the issuance of the writ of habeas corpus ad testificandum and "prior" to being returned to the original place of imprisonment in July 1974. At no time has has any further information or evidence used in prosecuting the

petitioner.

The Court states that " If this Court were to hold as petitioner contends, it must be that the writ of habeas corpus ad testificandum is subject to the restrictions imposed by the act it would place an unreasonable and unintended burden on the Governments and Grand Jurys investigative function."

As shown in my particular case this charge by the Court is frivolous and without merit. As stated prior all available information was gathered "prior" to the return of the petitioner to his original place of imprisonment when all information available is had by investigative agencies, a writ of habeas corpus ad testificandum is advantageous only to re-enforce the case of the Government and in no way does it protect the rights of the defendant. If this type of "game playing" by the Government is possible then the Government, can, after receiving, all available information, "bust" a defendant, a possible defendant, back and forth at will and the inter state agreement act will have no further force or effect as a matter of law.

The Court contends that "while the purpose of both the writ of Habeas corpus ad prosecuendum and the inter state agreement on detainers is to secure a defendants presence for prosecution the purpose of the writ of habeas corpus ad testificandum is "only" to secure a defendants presence to testify." It appears that the Court is saying that a person can not be

prosecuted before the Court on a writ Of habeas corpus ad testificandum, however, the court again failed to recognize the facts. While incarcerated and serving a sentence in the Queens House of detention the petitioner, on May 23, 1976, was removed and placed into the Federal Jurisdiction on a writ of habeas corpus ad testificandum and on May 24, 1976 petitioner was taken before the Honorable Judge Blatt on said writ for prosecuting procedures. On that day petitioner plead guilty to, as stated prior, the same and only information gained before the issuance of the original writ and before being returned.

Further more the Court stated that "the writ of habeas corpus ad testificandum could not have resulted in the petitioners suffering from "anxieties", this, the petitioner claims is a gross understatement. Immediately after the petitioners signing of a full confession, while in state custody, the investigating F.B.I. agents informed the prison authorities of petitioners involvement and confession and the information was entered into your petitioners prison records, as a result, I was denied furloughs, work release and other early release programs. Petitioner also states that after being taken out of State custody by the Federal system, giving another confession, and being returned, petitioner was thereafter continuously expecting to be again returned to face charges stemming from his confession as a result of this the petitioner was unable to advantageously participate in corrective programs.

In view of the forgoing and within the best interests of Justice, your petitioner prays that this court will find, and rule, in petitioners favor.

Respectively Submitted,

Robert Adams

Robert Adams
petitioner, pro se

SUBSCRIBED TO AND SWORN BEFORE ME THIS 11th DAY OF January 1977

B. A. Seis

"Authorized by the Act of July 7, 1955
to administer oaths (18 USC, 4004)".

APPLICATION FOR CONSIDERATION OF BOND

Petitioner states, herein, that he was originally released on a personal bond and did maintain the agreements of such a bond.

Petitioner also states that, with the best interests of Justice, he be reinstated upon such a bond until such time that this Honorable Court makes its ruling.

Robert Adams

Robert Adams
petitioner, pro se

BEST COPY AVAILABLE

EVIDENCE PAPERS #1
FEDERAL BUREAU OF INVESTIGATIONDate of transcription 7/22/74

ROBERT ADAMS was advised of his rights in accordance with the "Interrogation; Advice of Rights" form, which he read, stated he understood and signed, as is indicated in the executed portion of the form. ADAMS was advised of his rights by Special Agent (SA) J. GARY DI LAURA and was advised that the purpose of the interview was to ascertain his involvement in the robbery of the Chemical Bank on Sutphin Boulevard and Archer Avenue in Queens, New York, on March 7, 1974.

ADAMS stated that he lived in the vicinity of this bank, prior to his incarceration for parole violation. He stated he had been to that bank several times. ADAMS advised that he, at that time, was a drug addict and was in desperate need of money. So, sometime in the end of February or the beginning of March, 1974, he had the idea of robbing the Chemical Bank on Sutphin Boulevard and Archer Avenue. ADAMS advised he cannot recall the specific date but believes March 7, 1974 is correct. On the day of the robbery, he was in the bank earlier in the day and shortly after his appearance at the bank, met a friend of his known to him as BOBBY RAND near 150th Street and South Road. ADAMS advised he and RAND talked about robbing this bank and this conversation, as ADAMS recalls, was in the latter morning of the robbery. RAND advised ADAMS that he was interested in robbing the bank also and so they both got into RAND's old white car and drove to the Chemical Bank on Sutphin Boulevard and Archer Avenue, Queens, New York.

During the ride to the bank, they mutually agreed that RAND would wait in the car and ADAMS would go in the bank. ADAMS stated they parked the car on Archer Avenue near the bank and ADAMS went in. ADAMS advised that he carried with him a black briefcase. He went on to say that he at first waited in line and when he reached the teller, he told the teller that this was a "stickup" and to put the money in the bag. ADAMS stated he could not recall the exact verbiage he used but also added he did not have a gun.

According to ADAMS, the teller put the money in the bag and he walked out of the bank, got in the waiting car that RAND had been waiting in and then drove down Archer Avenue to 150th Street and up 150th Street to South Road. ADAMS stated he and RAND then went to RAND's house, which is near a hardware store in the vicinity of 150th Street and South Road. They split up the money, and

-3-

Interviewed on 7/15/74 at Greenhaven, New York File # NY 91-14133

by SA J. GARY DI LAURA and
SA DAVID O. CONLSON/JCD:gag Date dictated 7/17/74

NY 91-14133

2.

ADAMS advised that he received around \$800 and RAND the rest. ADAMS also indicated that he received more than half of the money since he went in the bank. ADAMS described BOBBY RAND as follows:

Sex	Male
Race	Negro
Age	30s
Height	Six feet - six feet, one inch
Build	Slender
Hair	Short
Scars/Marks	Scar on his face, location or size unrecalled
Arrests	Numerous
Vehicle	Old white vehicle
Marital Status	Married
Wife	ELEANOR
Residence	In March, 1974, near the intersection of 150th Street and South Road
Characteristics	Moustache; drug addict

The following is a description of ADAMS, from interview and observation:

Name	ROBERT ADAMS
Alias	Bobby
Sex	Male
Race	Negro
Date of Birth	August 19, 1944
Height	Six feet
Weight	225 pounds

EVIDENCE PAPER #2

JGD:jtc

1.

NY 91-14133

On July 15, 1974, Assistant United States Attorney (AUSA) E.J. BOYD, Eastern District of New York (EDNY), advised that he assigned an assistant to handle the ROBERT ADAMS' case and desired an assistant to interview ADAMS on July 25, 1974.

On July 16, 1974, Bureau of Criminal Investigations (BCI), New York City Police Department (NYCPD) records for ROBERT RAND indicated insufficient information for a proper check to be made.

On July 25, 1974, a writ was issued and ROBERT ADAMS was interviewed at EDNY.

EVIDENCE PAPER #3

THE PRESIDENT OF THE UNITED STATES OF AMERICA
TO THE WARDEN, GREENHAVEN PRISON, STORMVILLE,
NEW YORK, AND/OR TO THE UNITED STATES MARSHAL
FOR THE EASTERN DISTRICT OF NEW YORK, AND/OR
TO ANY OF HIS DEPUTIES, AND/OR TO ANY UNITED
STATES MARSHAL.

GREETINGS :

YOU ARE HEREBY COMMANDED to have the body of
ROBERT ADAMS, #20581, now detained under your custody,
as it is said, under safe and secure conduct, in civilian
clothes, before the Federal Grand Jury for the Eastern
District of New York, at the United States Court House,
in such room as shall be designated, in the Borough of
Brooklyn, City, State and Eastern District of New York,
on the 25th day of July 1974, at 10:00 o'clock in the
forenoon of that day, to testify and give evidence before
the said Federal Grand Jury, in the case of United States
v. John Doe and, immediately after said ROBERT ADAMS shall
have testified in said case, or after such other disposition
as the Court may direct, that you return him to the Warden,
Greenhaven Prison, Stormville, New York, under safe and
secure conduct.

Dated: Brooklyn, New York
July , 1974

14 / Judge Thomas C. Platt
UNITED STATES DISTRICT JUDGE
Eastern District of New York

Clerk U.S.D.C. E.D.N.Y.

7/25/74

DEFENDANTS TO BE HELD
AT WEST STREET UNTIL

7/29/74

— T.C.P.

SIR:

PLEASE TAKE NOTICE that the within will be presented for settlement and signature to the Clerk of the United States District Court in his office at the U. S. Courthouse, 225 Cadman Plaza East, Brooklyn, New York, on the _____ day of _____, 19____, at 10:30 o'clock in the forenoon.

Dated: Brooklyn, New York,

_____, 19____
United States Attorney,
Attorney for _____

To:

Attorney for _____

SIR:

PLEASE TAKE NOTICE that the within is a true copy of _____ duly entered on the _____ day of _____, in the office of the Clerk of the U. S. District Court for the Eastern District of New York,
Dated: Brooklyn, New York,

_____, 19____
United States Attorney,
Attorney for _____

To:

Attorney for _____

CRIMINAL

Action

No. _____

UNITED STATES DISTRICT COURT
Eastern District of New York

UNITED STATES OF AMERICA,

Against—
JOHN DOE,

DEFENDANTS.

WRIT OF HABEAS
CORPUS AD TESTIFICANDUM

DAVID G. TRAGER

United States Attorney,
Attorney for _____
Office and P. O. Address,
U. S. Courthouse
225 Cadman Plaza East
Brooklyn, New York 11201

Due service of a copy of the within _____
is hereby admitted.

Dated: _____, 19____

Attorney for _____

EDWARD J. BOYLE V
AUSA 596-3092

FEDERAL BUREAU OF INVESTIGATION

EVIDENCE PAPER #4

Date of transcription 8/1/74

ROBERT ADAMS was advised of his rights in accordance with the "Interrogation; Advice of Rights" form which he read, stated he understood, and waived as is indicated in the executed portion of the form. ADAMS was advised that he is being interviewed in connection with the robbery of the Chemical Bank at Sutphin Boulevard and Archer Avenue, Queens, New York, on March 7, 1974. ADAMS stated that he understood, was willing to provide information, and provided the following signed statements:

"I Bobby Adams have been told my rights as shown above. I am 29 years old and finished high school. I understand and know what I am doing. On or about March 7, 1974 I robbed the Chemical Bank on Sutphin and Archer. I went into the bank with a brief case, approached a teller, said that this was a robbery. I received about \$900 for my part in the robbery. I had an accomplice in the car who drove the getaway car. I have seen and dated and initialed photos of me in the bank.

"I sign the above statement of this and one other page as it is true and correct.

"J. Gary Di Laura, SA, FBI
Bklyn, NY 7/25/74

Robert Adams".

"7/25/74

"I Robert Adams have been told my rights by SA J. Gary Di Laura of the FBI. I have been told this interview is about a bank robbery on 3/7/74.

"On or about 3/7/74 Bobby Rand and I talked about robbing the Chemical Bank on Sutphin and Archer. We were both addicts and needed money so we decided that Rand would drive his old white car and I would go into the bank.

"We drove to the Chemical Bank on Sutphin and Archer on or about 3/7/74. I went in and Rand waited in the car. I got the money, got into Rand's car and Rand drove us to his

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Interviewed on 7/25/74 at Brooklyn, New York File # NY 91-14133

by SA J. GARY DI LAURA/jtc

Date dictated 7/31/74

NY 91-14133

"house on 150 St and South Rd. We went into Rand's house and split the money in front of Richard Johnson who was present. I got about \$900 and Rand got a little less than me.

"Bobby Rand is a negro, male, 35 years old, 6' 1" to 6' 2", 180 lbs.

"I sign this statement of this page and one other as it is true and correct.

"Robert Adams

"7/25/74

"Robert Adams

"J. Gary Di Laura, SA, FBI, Eklyn NY 7/25/74".

52nd.
EVIDENCE PAPER ~~#16~~

#5 + 6

INFORMATION

EJB:SK:rap
#743,023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

ROBERT RAND, a/k/a "BOBBY",

Title 18, United States Code
Section 2113(a)

Defendant.

----- X

EASTERN DISTRICT OF NEW YORK, SS:

GARY DiLAURA, being duly sworn, deposes and says that he is a Special Agent of the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about the 7th day of March, 1974, within the Eastern District of New York, the defendant ROBERT RAND, a/k/a "BOBBY", entered the Chemical Bank, 93-01 Sutphin Boulevard, Queens, New York, with intent to commit in said bank the theft of money and other things of value belonging to and in the care, custody, control, management and possession of the said bank, the deposits of which bank were then and there insured by the Federal Deposit Insurance Corporation.

(Title 18, United States Code, Section 2113(a))

The source of your deponent's information and the grounds for his belief are:

(1) Investigation conducted by your deponent and other Special Agents of the Federal Bureau of Investigation which revealed that the above-described bank was robbed on March 7, 1974 by a black male, and a loss of approximately \$1,835.00 occurred during the course of said robbery;

EVIDENCE
#5

(2) Investigation by your deponent and other Special Agents of the Federal Bureau of Investigation which revealed that one Robert Adams was the individual described in Paragraph (1) above;

(3) a signed sworn statement by Robert Adams to the effect that (1) the defendant ROBERT RAND, a/k/a "BOBBY" and himself had conspired together to rob the aforementioned bank, (2) that the defendant and himself had driven to the aforementioned bank in the defendant's car for the purpose of robbing the bank and (3) that the defendant waited outside while Robert Adams robbed the bank and that the defendant and himself split the proceeds of the robbery later the same day.

WHEREFORE, your deponent respectfully prays that a warrant issue for the apprehension of the above-named defendant ROBERT RAND, a/k/a "BOBBY", so that he may be dealt with according to law.

Gary D. Laura
GARY DILAURA
Special Agent, F.B.I.

Sworn to before me this
25th day of July 1974

Max DeHaven
UNITED STATES MAGISTRATE
EASTERN DISTRICT OF NEW YORK

RJD:SK:1j1
F. #743,023

EVIDENCE PAPERS #7

75 M2165.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

U.S.C. Title 18
Section 2113(a)

- against -

ROBERT ADAMS,

Defendant.

75 M2165

----- X

EASTERN DISTRICT OF NEW YORK, SS:

JAMES BECK, being duly sworn, deposes and says that he is a Special Agent of the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about the 7th day of March, 1974 within the Eastern District of New York, the defendant ROBERT ADAMS did knowingly, wilfully and feloniously, by force, violence and intimidation take from the person and presence of employees of the Chemical Bank, 93-01 Sutphin Boulevard, Queens, New York approximately One Thousand Eight Hundred Thirty-Five Dollars (\$1,835.00) in United States currency, which money was in the care, custody, control, management and possession of the said Chemical Bank, the deposits of which bank were then and there insured by the Federal Deposit Insurance Corporation.

The source of your deponent's information and the grounds for his belief are:

12/11/75
Ruech
Warrant
Issued
VAC

(1) Investigation conducted by your deponent and other Special Agents of the Federal Bureau of Investigation which revealed that the aforementioned bank was robbed on March 7, 1974 and that a loss of approximately \$1,835.00 occurred during the course of said robbery;

- 2 -

(2) A signed statement made by the defendant ROBERT ADAMS admitting his participation in the aforementioned bank robbery.

WHEREFORE, your deponent respectfully request that an arrest warrant issue for the apprehension of the above named defendant ROBERT ADAMS so that he may be dealt with according to law.

James A. Bick

Sworn to before me this
12th day of December 1975.

Michael C. Boggio
United States Magistrate
Eastern District of New York

525D
TRP:SK:1j1
F. #743,023

Evidence Paper #8

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA :

- against - : No.

ROBERT ADAMS, et al., :

Defendants. :

----- X

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK:

The petition of STEVEN KIMELMAN, Assistant United States Attorney for the Eastern District of New York respectfully shows to this Court that ROBERT ADAMS, is presently incarcerated at the Queens House of Detention, For Men, 126-02 82nd Avenue, Kew Gardens, New York.

That the said ROBERT ADAMS, is a necessary and material witness before the United States District Court for the Eastern District of New York in the case of United States v. Robert Adams, et al., and is not available as a witness by the ordinary process of subpoena.

WHEREFORE, your petitioner respectfully prays that a Writ of Habeas Corpus ad Testificandum issue directing that the said ROBERT ADAMS be produced at the time and place set forth in said Writ, in civilian clothes, and that, after said ROBERT ADAMS shall have appeared in pursuance of said Writ, and at the termination of the proceedings in the said United States District Court for the Eastern

a witness by the ordinary process of subpoena.

WHEREFORE, your petitioner respectfully prays that a Writ of Habeas Corpus ad Testificandum issue directing that the said ROBERT ADAMS be produced at the time and place set forth in said Writ, in civilian clothes, and that, after said ROBERT ADAMS shall have appeared in pursuance of said Writ, and at the termination of the proceedings in the said United States District Court for the Eastern District of New York on that particular day, he be returned immediately to the custody of the Warden, Queens House of Detention For Men, 126-02 32nd Avenue, Kew Gardens, New York, under safe and secure conduct.

Dated: Brooklyn, New York
May 21, 1976


Petitioner

TRP:SK:lj1
P. #743,023

THE PRESIDENT OF THE UNITED STATES OF AMERICA
TO THE WARDEN, QUEENS HOUSE OF DETENTION FOR
MEN, 26-02 82nd AVENUE, KEW GARDENS, NEW
YORK, AND/OR TO THE UNITED STATES MARSHAL FOR
THE EASTERN DISTRICT OF NEW YORK, AND/OR TO
ANY OF HIS DEPUTIES, AND/OR TO ANY UNITED
STATES MARSHAL.

G R E E T I N G S :

YOU ARE HEREBY COMMANDED to have the body of ROBERT
ADAMS, now detained under your custody, as it is said,
before the United States District Court for the Eastern
District of New York, at the United States Court House,
in such courtroom as shall be designated, in the Borough
of Brooklyn, City, State and Eastern District of New York,
on the 24th day of May, 1976, at 10:00 o'clock in the fore-
noon of that day and any other day thereafter directed
by Court, to testify and give evidence before the said
United States District Court, in the Case of United States
v. Robert Adams, et al. and, at the termination of the
proceedings in the said United States District Court on
that particular day, that you return him forthwith to
the Warden, Queens House of Detention For Men, 126-02 82nd
Avenue, Kew Gardens, New York, under safe and secure con-
duct.

LET THE ABOVE WRIT ISSUE.

Dated: Brooklyn, New York
May , 1976

UNITED STATES DISTRICT JUDGE
Eastern District of New York

Clerk U.S.D.C. E.D.N.Y.

Deputy Clerk

- 2 -

EASTERN DISTRICT OF NEW YORK, SS:

STEVEN KIMELMAN, being duly sworn, says that he is the petitioner above named; that he has read the foregoing petition by him subscribed and knows the contents thereof; that the same are true of his own knowledge and belief.

Sworn to before me this
day of May 1976.

EVIDENCE PAPERS #9

TRF:SK:lr
F4751,896

you → Took Plea to

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA

- against -

ROBERT ADAMS,

Defendant.

I N F O R M A T I O N

Cr. No. 76 cr 763
(T. 18, U.S.C., §371)

----- X

BEST COPY AVAILABLE

THE UNITED STATES ATTORNEY CHARGES:

On or about the 7th day of March 1974, within the Eastern District of New York, the defendant ROBERT ADAMS did knowingly, wilfully and unlawfully combine, conspire, confederate and agree together with Price Baltimore Rann, also known as Robert Rand, also known as "Bobby", herein named as a co-conspirator but not as a defendant, to commit an offense against the United States in violation of Title 18, United States Code, Section 2113(b), to wit: to knowingly and unlawfully take and carry away, with intent to steal, money, the value of which exceeded One Hundred Dollars (\$100.00), from the care, custody and possession of the Chemical Bank, 93-01 Sutphin Boulevard, Queens, New York, the deposits of which bank were then and there insured by the Federal Deposit Insurance Corporation.

In furtherance of said conspiracy and to effect the objectives thereof, the defendant ROBERT ADAMS and the unindicted co-conspirator Price Baltimore Rann, also known

as Robert Sand, also known as "Bobby" committed the following overt act, among others, within the Eastern District of New York:

OVERT ACT

On or about the 7th day of March 1974, the defendant ROBERT ADAMS and the unindicted co-conspirator Price

- 2 -

Baltimore Rann, also known as Robert Rand, also known as "Bobby", drove to the Chemical Bank located at 93-01 Sutphin Boulevard, Queens, New York. (Title 18, United States Code, Section 371)

UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK